

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| <b>UNITED STATES OF AMERICA</b> | § |                          |
|                                 | § |                          |
| <b>V.</b>                       | § | <b>CASE NO. 9:05cr22</b> |
|                                 | § |                          |
| <b>JAMES EDWARD WILCOX</b>      | § |                          |

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable Harry W. McKee, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge McKee conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #24]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count One** of the **Information** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #24] of the United States Magistrate Judge are **ADOPTED**. Defendant's guilty plea and the plea agreement are conditionally **ACCEPTED** by the Court at this time.

It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, James Edward Wilcox, is hereby adjudged as **GUILTY** on **Count One** of the charging **Information**, conditioned upon the Court's final acceptance of the guilty plea and plea agreement at sentencing.

**SIGNED** this the 18 day of **November, 2005**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge